UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

21906 7590 01/25/2006

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER	
ZHONG, CHAD	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/715,752	GADKARI, SANJAY S.	
	Examiner	Art Unit	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-13 and 16-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-13 and 16-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

FINAL ACTION

1. Applicant's arguments with respect to claims 1-3, 6-13, and 16-28 have been considered but are moot in view of the new ground(s) of rejection. This action is responsive to communications: Amendment, filed on 11/18/2005. Claims 1-3, 6-13, and 16-28 are presented for examination. In amendment, filed on 06/06/2005, claims 1, 6-7, 11-13, and 16-21 are currently amended; claims 4-5 and 14-15 are cancelled.

Claim Rejections - 35 USC § 112, second paragraph

3. Claims 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack antecedent basis:

i. said results – claim 17, line 2

ii. said system – claim 22, line 1

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3, 8, 10-11, 13, 18, 20-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US 6,192,388, in view of Fraley et al. (hereinafter Fraley), US 6,275,987, further in view of Teegan et al., (hereinafter Teegan), US 2004-0225923.

7. As per claim 1 and 11, Cajolet teaches a method comprising:

assigning, from a server, distributed computing tasks to a network of processor-based devices (Cajolet, abstract, lines 1-4; Col. 2, lines 45-47; Col. 10, lines 5-20, dispatcher is acting as server dispatching processes to assisting computers);

Cajolet does not explicitly say estimating, at said server based on a client device's resources, time for the client device to complete an assigned task, and logging of the estimated time to complete said task

Fraley teaches server estimating of time to task completion based on timing the performance of each task on various types of data processing systems expected to be utilized during installation tasks (Fraley, Col. 3, lines 7-12, lines 53-58; Col. 4, lines 15-20), further logging of estimated time is taught in Farley as the estimated time is compared with the actual completion time to adjust various parameters (Fraley, Col. 4, lines 5-15)

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate teachings of Fraley with Cajolet because the combination would enhance the capability of Cajolet's system by keeping track of task progress (Fraley, Col. 1, line 59 – Col. 2, line 5).

Cajolet does not explicitly say logging the tasks. Although Cajolet discloses a processor-based device list assigned to tasks (Col. 10, lines 5-6).

In a similar system, Teegan teaches the concept of logging tasks and the devices assigned to each tasks (table 1, [0120-0121], wherein processes and machines associated with the processes are logged in the sample log located at each application manager).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate teachings Teegan with Cajolet because the combination would enhance Cajolet's system by keeping track of a history of assignment of each of different tasks.

8. As per claims 3 and 13, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 1 and 11 above, including subdividing a distributed computing job into tasks and assigning each

of said tasks to a different device (Cajolet, Col. 2, lines 45-47).

9. As per claims 8 and 18, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 1 and 11 above, including maintaining, from a server, the software on said devices (Cajolet, Col. 10, lines 14-20).

10. As per claim 10 and 20, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 1 and 11 above, including receiving a completion message from a device and automatically establishing an upload session to receive the task results (Cajolet, Col. 10, lines 34-37, wherein upon completion of the task, the resultant is uploaded back to the server).

11. As per claim 21, the claim is rejected for the same reasons as rejection to claims 1 and 11 above.

12. As per claim 22, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 21 above, including said system is a server (Cajolet, Col. 6, lines 46-52; and Col. 5, line 30).

13. As per claim 23, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 22 above, including said server is a system management server (Cajolet, problem dispatcher 88, Fig 4; Col. 6, lines 46-52).

14. As per claim 26, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 21 above, including storing instructions to develop an estimate of the time to task completion (Fraley, Col. 3, lines 7-12, lines 53-57).

15. Claims 2, 9, 12, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet – Fraley – Teegan, further in view of what was well known in the art.

16. As per claims 2, 12 and 24, Cajolet – Fraley – Teegan do not explicitly say a persistent connection between at least one of said devices and a server.

Official Notice is taken (see MPEP 2144.03) persistent connection is well known and routinely used for establishing efficient and reliable communications session at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include persistent connection with Cajolet – Fraley – Teegan because it would provide for efficient and reliable session, by reducing network congestion, less retransmissions are needed, so the elapsed transmission time is shorter.

17. As per claims 9 and 19, Cajolet – Fraley – Teegan do not teach the method of including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly.

Official Notice is taken (see MPEP 2144.03) providing an acknowledgement based on results received is well known and routinely used for verification purposes at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include acknowledgement based on result received with Cajolet – Fraley – Teegan because it would provide for verification by giving the sending device an acknowledgement indicating the correct data have been received, without wasting additional bandwidth to resend data.

18. Claims 6-7, 16-17, 25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet – Fraley – Teegan, further in view of Yamaguchi, US 6,041,342.

19. As per claims 6, 16, and 27, Cajolet – Fraley – Teegan do not explicitly say if no results are received after the passage of said time estimate, querying said device.

However, Yamaguchi teaches the concept of querying the client device after the passage of time expires to determine client's status at that point (Yamaguchi, Col. 2, lines 10-11).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the teachings of Yamaguchi with Cajolet – Fraley – Teegan because the combination would enhance the capabilities of Cajolet – Fraley – Teegan's system by allowing the server to keep track of the client's status periodically.

20. As per claims 7, 17, and 28, Cajolet – Fraley – Teegan do not explicitly say automatically requesting said results after the passage of time estimate.

However, Yamaguchi teaches the concept of automatically querying the result of the client after the estimation of time expires (Yamaguchi, Col. 2, lines 10-11).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the teachings of Yamaguchi with Cajolet – Fraley – Teegan because the combination would enhance the capabilities of Cajolet – Fraley – Teegan's system by allowing the server to keep track of the client's status periodically.

21. As per claim 25, Cajolet – Fraley – Teegan disclose the invention substantially as rejected in claims 21 above, including said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks (Cajolet, Col. 2, lines 45-47), assign said tasks to specific processor-based clients (Cajolet, Col. 3, lines 24-27),

However, Cajolet – Fraley – Teegan do not explicitly say estimate the time to complete said job by said clients.

However, Yamaguchi teaches the concept of developing an estimate of the time to task completion by said clients (Yamaguchi, abstract, Col. 2, lines 4-8)

It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the teachings of Yamaguchi with Cajolet – Fraley – Teegan because the combination would enhance the efficiency of Cajolet – Fraley – Teegan's system by allowing agent station to estimate the

task completion time on behalf of server, thus freeing up resources on the server.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
January 11, 2006

SUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER